



**PATRICK D. CROCKER**  
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February 26, 2013

Ms. Marlene H. Dortch, Commission Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW, Suite TW-A325  
Washington, DC 20554

*Filed Electronically Via ECFS*

RE: FPL FiberNet, LLC  
Customer Proprietary Network Information Certification  
EB Docket No. 06-36

Dear Ms. Dortch:

FPL FiberNet, LLC ("Company"), by its undersigned attorneys, hereby submits its 2012 CPNI Compliance Certificate and Accompanying Statement certifying compliance with Section 64.2001 *et seq.* of the Commission's rules.

Please contact the undersigned should you have any questions or concerns at (269) 381-8893 extension 226 or [patrick@crockerlawfirm.com](mailto:patrick@crockerlawfirm.com).

Very truly yours,

CROCKER & CROCKER

  
Patrick D. Crocker

PDC/tld

Enclosures

**Annual 47 C.F.R. § 64.2009(e) CPNI Certification**

**EB Docket 06-36**

Annual 64.2009(e) CPNI Certification for 2012

Date filed: February 26, 2013

Name of Company Covered by this Certification: FPL FiberNet, LLC

Form 499 Filer ID: 825118

Name of Signatory: Carmen M. Perez

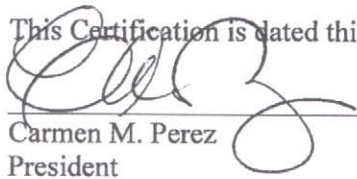
Title of Signatory: President

I am the President of FPL FiberNet, LLC and as such do hereby certify, affirm, depose, and say that I have authority to make this Customer Proprietary Network Information ("CPNI") Annual Certification of Compliance on behalf of FPL FiberNet, LLC. I have personal knowledge that FPL FiberNet, LLC has established adequate operating procedures to ensure compliance with the Commission's CPNI rules as set forth in 47 C.F.R. § 64.2001 *et. seq.*

Attached to this Certification is an Accompanying Statement explaining how the company's procedures ensure compliance with the requirements set forth in 47 C.F.R. § 64.2001 *et seq.* of the Commission's rules.

FPL FiberNet, LLC received no customer complaints in the past year concerning the unauthorized release of CPNI. Further, FPL FiberNet, LLC has taken no action against data brokers for the unauthorized release of CPNI during calendar year 2012. FPL FiberNet, LLC will report any information it may obtain with respect to the processes pretexters are using to attempt to access CPNI and what steps FPL FiberNet, LLC is taking to protect CPNI.

This Certification is dated this 26 day of February, 2013.

  
Carmen M. Perez  
President  
FPL FiberNet, LLC

## **Accompanying Statement to Annual CPNI Compliance Certification for**

### **FPL FiberNet, LLC February<sup>26</sup>, 2013**

FPL FiberNet, LLC operating procedures ensure that FPL FiberNet, LLC is in compliance with 47 C.F.R. Part 64, Subpart U, as follows:

#### Employee Training and Discipline

- FPL FiberNet, LLC trains and obligates all employees, sales contractors, and sales agents with access to CPNI, to protect the confidentiality of CPNI by requiring compliance with the FPL FiberNet, LLC Customer Proprietary Network Information Protection Policy (the "Policy").
- FPL FiberNet, LLC requires all employees, sales contractors and sales agents with access to CPNI to confirm receipt of the Policy, that they have read and understand the Policy. Failure to follow the Statement may result in disciplinary action or termination of their employment.

#### Sales and Marketing Campaigns

- FPL FiberNet, LLC requires management approval for all sales and marketing campaigns.

#### Record-Keeping Requirements

- FPL FiberNet, LLC implemented a system by which the status of a Customer's CPNI approval can be established prior to the use of CPNI.
- FPL FiberNet, LLC established the SR System to maintain a record of all sales and marketing campaigns that use CPNI, including marketing campaigns of affiliates and independent contractors.
- FPL FiberNet, LLC ensured that these records include a description of each campaign, the specific CPNI that was used in the campaign, and what products and services were offered as a part of the campaign.
- FPL FiberNet, LLC requires that these records are maintained for a minimum of one (1) year.

#### Establishment of a Supervisory Review Process

- FPL FiberNet, LLC established a supervisory review process for all outbound marketing situations.
- FPL FiberNet, LLC certified that under this review process, all sales personnel obtain supervisory approval of any proposed outbound marketing request for customer approval.

### Opt-In

- FPL FiberNet, LLC only discloses CPNI to sales agents, affiliates, joint venture partners, independent contractors or to any other third parties only after receiving "opt-in" approval from a customer.
- FPL FiberNet, LLC enters into confidentiality agreements with joint venture partners, independent contractors or any other third party when releasing CPNI. All such confidentiality agreements are reviewed by the director of legal and regulatory affairs.

### Opt-Out Mechanism Failure

- FPL FiberNet, LLC established a protocol requiring written notice to the FCC with written notice within five (5) business days of any instance where opt-out mechanisms did not work properly, to such a degree that consumers' inability to opt-out is more than an anomaly.

### Compliance Certificates

- FPL FiberNet, LLC executes a statement, signed by an officer, certifying that he or she has personal knowledge that FPL FiberNet, LLC has established operating procedures that are adequate to ensure compliance with the FCC's CPNI regulations.
- FPL FiberNet, LLC prepared this Accompanying Statement detailing how operating procedures ensure compliance with CPNI regulations.
- FPL FiberNet, LLC provided an explanation of any actions taken against data brokers.
- FPL FiberNet, LLC provided a summary of all customer complaints received in the past year concerning unauthorized release of CPNI.

### Customer Authentication Methods

- FPL FiberNet, LLC instituted customer authentication methods to ensure adequate protection of customers' CPNI.

### Notification to Law Enforcement and Customers of Unauthorized Access

- FPL FiberNet, LLC established a protocol under which the appropriate law enforcement agency is notified of any unauthorized access to a customer's CPNI.
- FPL FiberNet, LLC ensured that all records of any discovered CPNI breaches are kept for a minimum of two (2) years.